

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

SINGULAR COMPUTING LLC,

Plaintiff,

v.

GOOGLE LLC,

Defendant.

Civil Action No. 1:19-cv-12551-FDS

Hon. F. Dennis Saylor IV

**PLAINTIFF SINGULAR COMPUTING LLC’S ASSENTED TO MOTION TO
IMPOUND PURSUANT TO LOCAL RULE 7.2**

Pursuant to Local Rule 7.2 and the Protective Order in this case (“Protective Order”), ECF No. 87, Plaintiff Singular Computing LLC (“Singular”) respectfully requests that this Court impound (seal) (i) an exhibit to the Declaration of Kevin Gannon in Support of Singular’s Reply in Support of Plaintiff’s Motion to Compel Responses to Interrogatories and Production of Documents Relating to Damages (“Gannon Declaration”) and (ii) portions of Singular’s Reply in Support of Plaintiff’s Motion to Compel Responses to Interrogatories and Production of Documents Relating to Damages. The exhibit to be sealed is identified below.

The Protective Order allows a party to designate deposition testimony as “Highly Confidential Attorney’s Eyes Only” after making a determination “it contains or reflects information that is extremely confidential and/or sensitive in nature and the Producing Party reasonably believes that the disclosure of such Discovery Material is likely to cause economic harm or significant competitive disadvantage to the Producing Party.” Protective Order ¶8(a). That Order requires that a party intending to make court filings referring to material designated as “Highly Confidential Attorney’s Eyes Only” to bring a motion to impound. *Id.* ¶ 14. The

following exhibit to the Gannon Declaration contain documents that Google has designated as “Highly Confidential Attorney’s Eyes Only”:

- Exhibit 7, which contain excerpts from the deposition of David Patterson.

Singular’s Reply quotes from and discusses excerpts from this deposition transcript. A redacted, public version of Singular’s Opposition to Google’s Motion to Compel will be filed concurrently with this Motion.

For the foregoing reasons, Singular respectfully requests that the Court permit it to file (i) the above-identified exhibits under seal and (ii) those portions of Singular’s Reply in Support of Plaintiff’s Motion to Compel Responses to Interrogatories and Production of Documents Relating to Damages that quote from and discuss this transcript because Google has designated the transcript as “Highly Confidential Attorney’s Eyes Only.” Singular further requests that the documents remain impounded until further order by the Court, and that upon expiration of the impoundment that the documents be returned to Singular’s counsel.

Dated: June 10, 2021

Respectfully submitted,

/s/ Paul J. Hayes

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ATTORNEYS FOR THE PLAINTIFF

LOCAL RULE 7.1(a)(2) CERTIFICATION

I hereby certify that counsel for Singular conferred with Defendant's counsel in a good-faith attempt to resolve or narrow the issue raised by this motion. Defendant's counsel informed me that Google assents to the relief sought in this motion.

/s/ Daniel McGonagle

CERTIFICATE OF SERVICE

I certify that on June 10, 2021, I served this document on Defendant by causing a copy to be sent via electronic mail to its counsel of record.

/s/ Daniel McGonagle